



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

TO: Development Services Staff and Customers

SUBJECT: **POLICIES RELATING TO TREE MITIGATION**  
**UDC Section 35-523(e) and (f) Table 523-1, 523-2**

DATE: July 9, 2007

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The Development Services Department (DSD) requires that tree mitigation follow UDC Section 35-523(e), 35-523(f), Table 523-1 and Table 523-2. The latest tree ordinance is #2006-11-02-1258 effective November 28, 2006.

### **SECTION 35-523(e) Minimum Tree Preservation Requirements**

#### **(1) Generally.**

Table 523-1 establishes the minimum percentage of all diameter inches or percent tree canopy of significant or heritage trees that must be preserved or mitigated.

### **SECTION 35-523(f): Mitigation/Alternative Mitigation Methods**

Significant or heritage trees may be removed in excess of the minimum preservation requirement contained in subsection (e) provided the excess removal is properly mitigated. If mitigation is required to compensate for removing trees in excess of the number of diameter inches allowed within the surveyed area, the mitigation may be achieved in one of the methods prescribed in Table 523-2.

#### ***QUESTION:***

Section 35-523(f) indicates that trees may be removed in excess of the percentages indicated in Table 523-1. The UDC also indicates alternate methods to mitigate in Table 523-2, however, the UDC does not make it clear as to the amount of trees to be mitigated. If an applicant were to remove all significant trees on a lot, does the applicant mitigate 100% of all the significant trees removed, or only up to the minimum percentage as indicated in 35-523(e)(1).

#### ***ANSWER:***

An applicant may remove trees on a lot down to the minimum without mitigation, and will need to mitigate any trees removed below the minimum. Mitigation is only required for those trees removed that fall under the minimum. If 100% of significant trees were

removed, then the applicant is required to mitigate back up to the minimum, not all the way back to 100%. Section 35-523(e)(4) states that protected trees that are required to be preserved are to be mitigated at the ratio in Table 523-2. The applicant is not required to mitigate above this amount.

***QUESTION:***

If the commercial lot contains only one or two significant trees to be removed, and the UDC only requires mitigating trees removed below 40% in accordance with Table 35-523-1, the result would be planting of only part of a tree or plant to mitigate that portion under 40%. What is the intent of the code in these cases? If a lot contains one tree, how do you mitigate part of a tree?

***ANSWER:***

Development Services allows mitigation by establishment and maintenance of new trees as per Table 523-2 as one of the allowable options. However, an applicant is required to preserve whole plant material as required by Table 523-1 and 523-2 in the specified ratio. It is not possible to remove a portion of a tree so as to preserve the 40%. It is also not possible to plant and maintain a portion of a tree. On a commercial site, once a tree is removed that results in the site being preserved at less than 40%, then the total inches of that one tree is required to be mitigated. An applicant is required to plant whole trees such that a minimum of 40% is mitigated (Section 35-523(e)(1)), and to mitigate at the ratio provided in Table 523-2. It is possible that by planting whole trees and achieve the mitigated ratio, the effective tree mitigation will be more than the 40%.

As an example, a commercial lot may contain two trees, both 10-inch significant trees and Table 523-1 requires 40% minimum trees preserved. Although the UDC will allow one of the trees to be removed with no mitigation (50% preservation), the applicant wishes to remove both trees and mitigate by planting new tree(s). It is not possible to remove one tree and 10% of the other, and by removing both trees, the tree preservation has dropped below the 40% requirement of Table 523-1. The applicant is required to mitigate back up to 40%, and is required to meet Table 523-2 mitigation at 1:1 resulting in the applicant's requirement to replace one of the 10-inch trees by planting the equivalent of the full 10-inches. The UDC would not allow planting and maintaining only one 8-inch tree. Although it meets the minimum 40% mitigation, it is less than the 1:1 ratio in Table 523-2. The removal of this second 10-inch significant tree and subsequent planting of a new tree(s) at the specified 1:1 ratio will effectively result in mitigating at 50% rather than the 40% minimum. In another example, a lot with only one significant tree results in 100% mitigation when the tree is removed and replaced.

Should you have any questions on this process, please contact the Plans Review Division or the Plans Review Managers at **(210) 207-8394**.

Form Revision Date: